



Entered on Docket  
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9071] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Fiesta Oak Valley Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9071] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed because those claims are based entirely upon an investment in the Fiesta Oak  
7 Valley Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.  
14 John Hinderaker (*pro hac vice*)  
15 3993 Howard Hughes Parkway, Ste. 600  
16 Las Vegas, Nevada 89169-5996  
17 Telephone: (702) 949-8320  
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*  
20  
21  
22  
23  
24  
25  
26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Claim	Date Claim was Filed	Name	Address	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-00445	10/5/2006	Marrs IRA, Bobbie	5753 Bedrock Springs Ave Las Vegas, NV 89131-3933	63,139.45	50,511.56	12,627.89
10725-00581	10/13/2006	McHugh, Randi	4790 Caughlin Pkwy #239 Reno, NV 89509	50,000.00	40,000.00	10,000.00
10725-00580	10/13/2006	McHugh, William	335 Desert Meadow Ct Reno, NV 89502	100,000.00	80,000.00	20,000.00
10725-01048	11/6/2006	Mulkey, Laura	2860 Augusta Dr Las Vegas, NV 89109	175,000.00	140,000.00	35,000.00
10725-02302	1/13/2007	Nancy N Lafleur Transfer On Death To	Stephen M & James R Lafleur 9508 Grenville Ave Las Vegas, NV 89134	115,000.00	92,000.00	23,000.00
10725-00890	10/31/2006	Pirani, Ali	13174 N 100Th Pl Scottsdale, AZ 85260	100,000.00	80,000.00	20,000.00
10725-00633	10/19/2006	Polachek & Associates Inc Psp DTD 2/20/73	C/O Stephen B Polachek Ttee 4719 Commons Way, Ste E, Calabasas, CA 91302-3360	110,000.00	88,000.00	22,000.00
10725-00483	10/6/2006	Roberts, George	1272 Castlecombe Ln Monument, CO 80132	400,000.00	320,000.00	80,000.00
10725-01253	11/10/2006	Routsis, Thalia	Po Box 4311 Incline Village, NV 89450	65,275.00	52,220.00	13,055.00
10725-00225	9/25/2006	Sass, Charles	250River Front Drive Reno, NV 89523	50,000.00	40,000.00	10,000.00

EXHIBIT A

2456889.1